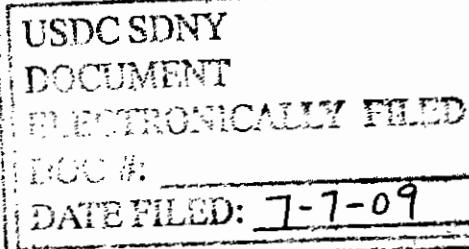


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Owen F. Duffy  
George E. Murray  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CAREL MARITIME CO.,



Plaintiff,

09 CV 5566 (GEL)

v.

PRIMITIVO TRANSPORT SA,

Defendant.

-----X

**ORDER VACATING PROCESS OF MARITIME ATTACHMENT,  
DIRECTING THE RELEASE OF FUNDS UNDER ATTACHMENT  
AND DISMISSING THE ACTION**

**WHEREAS**, pursuant to Process of Maritime Attachment and Garnishment, The Plaintiff attached funds belonging to the Defendant in the amount of \$250,466.26, which are being held by garnishee Citibank N.A. in accordance with the Process of Maritime Attachment and Garnishment;

**WHEREAS**, the Defendant PRIMITIVO TRANSPORT SA has not appeared in the action, but the parties have advised the Court that they have now resolved and settled their dispute;

WHEREAS, the Plaintiff and Defendant have presented evidence of the settlement by way of the letter application from the Plaintiff's counsel, Owen F. Duffy dated July 2, 2009, and the accompanying declaration of the same date from the Defendant's counsel in Greece, Ms. Fay Catsiba of Premium Consul L.L.C.;

**NOW, THE COURT HAVING REVIEWED AND CONSIDERED THE LETTER APPLICATION OF THE PLAINTIFF'S COUNSEL AS WELL AS THE DECLARATION OF MS. FAY CATSIBA,**

**IT IS HEREBY ORDERED** that the Process of Maritime Attachment, issued pursuant to this Court's Order dated June 18, 2009 is hereby vacated and all garnishees that have been served with the Process of Maritime Attachment are no longer required to comply with the Process of Maritime Attachment and Garnishment and that any and all property, tangible or intangible, including funds, assets, cash, goods chattels, credits, effects, debts owed by or owed to the defendant Primitivo SA, or monies to be paid to discharge a debt owed to defendants, debts paid to defendants under letters of credit, and/or monies to be paid to discharge a debt from defendants, including monies to be electronically transferred by or to the defendants that may have been attached or garnished pursuant to said Process, are to be immediately released;

**IT IS HEREBY ORDERED** that the garnishee, Citibank N.A., which has restrained, and is holding two payments in the amounts of \$101,658.48 and \$148,807.77, for a total of \$250,466.24, shall release said funds and disburse them as follows:

- The sum of \$202,242.37 shall be wired to the IOLA account of the Plaintiff's counsel, Chalos, O'Connor & Duffy LLP, the details of which are:

State Bank of Long Island  
960 Port Washington Blvd., Port Washington, NY 11050  
ABA 021401617  
Chalos, O'Connor & Duffy IOLA Account: 1517007976; and,

- The balance in the amount of \$48,223.87 shall be wired to the account of the Defendant, Primitivo SA, the details of which are:

HSBC Bank PLC  
Piraeus – Greece  
USD account no.: 001-059518-071  
BIC: MIDLGRAA  
Iban No. GR52 0710 0010 0000 0105 9518 071  
In favour of: Primitivo Transport SA

**IT IS HEREBY ORDERED**, that plaintiff's counsel is to immediately communicate the contents of this Order to every garnishee served with said Process, upon receipt thereof, and is to serve a copy of this Order on said garnissees by the most expeditious means possible by the end of business, today, July , 2009, and the plaintiff's counsel is to immediately send a copy of this Order to the Defendant.

**IT IS HEREBY ORDERED** that this action be and the same is hereby dismissed, with prejudice and without costs, but is subject to reopening upon application of either party if necessary to ensure compliance of this Order by the garnissees.

Dated: New York, New York  
July 7, 2009

**SO ORDERED,**  


Hon. Gerard E. Lynch, HON. RICHARD J. HOLWELL  
United States District Judge, UNITED STATES DISTRICT JUDGE